<u>REMARKS</u>

Claims 1-28, 30 and 31 are currently active.

Antecedent support for the limitation "and if the connection has a weighted priority, the weight of the priority is communicated" is found on page 10, line 18.

The Examiner has rejected Claims 1-28, 30 and 31 as being anticipated by Ganmukhi. Applicants respectfully traverse this rejection.

Referring to Ganmukhi, there is disclosed a hierarchical packet scheduling method and apparatus. Ganmukhi teaches a scheduler which can handle the QoS requirements of different sessions fairly and efficiently. See column 2, lines 33-36. Ganmukhi teaches there exists six QoS traffic classes on ATM networks. Two of the six, Ganmukhi teaches are unspecified bit rate + and, unspecified bit rate (UBR). Ganmukhi teaches that sessions of the UBR + class 23 are similar to those of the ABR class 18 but they do not involve network flow control. Ganmukhi teaches that ABR class 18 has associated with it a guaranteed minimum throughput or a minimum cell rate. In addition, ABR sources adjust their transmission rates from time to time as required by a standard flow control algorithm. See column 4, lines 35-44. Ganmukhi further teaches that the UBR Class 24 of sessions to not have any specific loss, delay, or throughput requirements. See column 4, lines 44 and 46. Thus, it is clear from the

teachings of Ganmukhi that only the UBR class 24 involve connections having unknown traffic characteristics with no parameters specified. The UBR + class 23 that Ganmukhi teaches has a guaranteed minimum throughput or minimum cell rates, which thus <u>has parameters specified</u> even though there is no flow control. Furthermore, Ganmukhi clearly teaches that the UBR + class is a totally different QoS, one of six, than the UBR quality service class. Thus, while UBR + class of QoS and UBR class of QoS share the term UBR, they are in fact distinct from each other and different QoS classes.

Ganmukhi does not teach or suggest to provide any type of weighting for connections having unknown traffic characteristics with no parameters specified. Applicants have amended the claims to more clearly distinguish the claimed invention from the applied art of record. The closest that Ganmukhi comes is two different QoS classes, where one is called UBR + and another is called UBR. However, Ganmukhi makes it very clear that the UBR + QoS class has parameters and is a distinct class from the UBR class that is taught to have no parameters specified with unknown traffic characteristics.

The Examiner states that the claim limitation of unknown traffic parameters with no parameters specified, with weighted priorities (UBR +), which has a multiple weighted priorities (e.g. weighted round robin with low and high) is thus taught by Ganmukhi. Ganmukhi teaches beginning in column 4, line 67-column 5, line 8, that a weighted round robin scheduler 40 is used for scheduling the nrtVBR packets since this class does not have
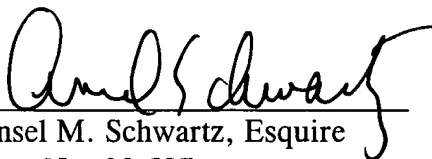
stringent delay requirements and only expects the network to guarantee their specified minimum throughput, while being inexpensive to implement. For the same reasons, a second weighted round robin scheduler 50 is used to schedule ABR packets and a third weighted round robin scheduler 60 is used to schedule UBR + packets. For the UBR class 24 a simple round robin scheduler 70 is used since all the UBR sessions should be treated equally. Thus, what Ganmukhi teaches is that the weighting regarding the connections are not provided over the network but is part of the scheduler itself to provide appropriate service to the connections as they are waiting for service. To reiterate, it is the scheduler itself as taught by Ganmukhi that determines the weighting, and there is no teaching or suggestion of the limitation of applicants' claimed invention that the weight of the priority of the connection is provided by the source throughout the network. In fact, because Ganmukhi teaches that the weighting is determined by the scheduler itself, and not from the network, Ganmukhi teaches away from applicants' claimed invention.

Accordingly, applicants' claims are not anticipated and are patentable over Ganmukhi. In view of Claims 28-31, Ganmukhi fails to teach or suggest these limitations because Ganmukhi is concerned with a hierarchical scheduler, not applicants' claimed invention.

In view of the foregoing remarks, it is respectfully requested that the

outstanding rejections and objections to this application be reconsidered and withdrawn, and

Claims 1-28, 30 and 31, now in this application be allowed.

Respectfully submitted,

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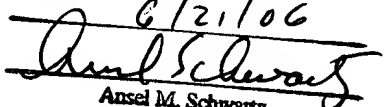Ansel M. Schwartz, Esquire
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